87
11. 55.
Egerton,

An Act to reuerſe two ſeuerall Decrees made in the Chancerie, and to reſtore to *Edward Egerton* Eſquire the poſſeſſion of certaine Mannours and Lands *taken away from him by force of the ſaid Decrees.*

The Eaſt ſide of the Village and Lands called Wrynehill in the Pariſh of Betley, lands in Ranſall and Betlemeere, Mannours of Chedulton and Butterton, Lands in Rownall *magna*, Rownall *parua*, Forde, Vncot, and Bradenap, Capitall houſe and lands in the Pariſh of Madeley. } *Stafford.*

The Weſt ſide of the Village and Lands called Wrynehill, in the Pariſh of Windenbury, Lands in Checkley and Randile, Mannours of Heywoodbarnes and Newbold-Aſtbury. } *Cheſter.*

THat Sir *Rafe Egerton* the father of *Edward* was tenant for life, the remainder to the Ladie *Alice* his wife, the remainder to *Edward* in taile, the remainder to the ſiſters of *Edward* in taile, the remainder to the right heires of Sir *Rafe*.

35. *Eliz.* That *Edward Egerton* voluntarily without any valuable conſideration did conuey the premiſſes to the vſe of himſelfe and the heires males of his bodie, with remainder to *Iohn Egerton* in taile, with prouiſo of reuocation and a couenant that all other aſſurances after to be made, ſhall be to the ſaid vſes.

19. *Sept.* 37. *Eliz.* That Sir *Rafe Egerton* died, and the Ladie *Alice* ſuruiued, and was tenant for life of the Freehold.

2. *Aug.* 38. *Eliz.* That *Iohn Egerton* liuing in the houſe with *Edward*, and being truſted with the receiuing of the rents, and ordering all *Edwards* eſtate, did procure another Indenture to be made to the vſe (as *Edward* hath bin lately informed) of *Edward* for life, and to his ſixe ſonnes ſucceſſiuely in taile, and to ſuch perſon as ſhall be heire male of his bodie in taile, with a remainder to *Iohn Egerton* and his heires, with prouiſo of reuocation and a couenant that all other aſſurances after to be made, ſhall be to the ſaid vſes.

30. *Iul.* 41. *Eliz.* That Sir *Iohn Egerton* to haue ſeuerall common recoueries for confirmation of the ſaid aſſurance and vſes, procured another writing to be made, purporting a grant releaſe and ſurrender of *Edwards* eſtate, to make the ſaid Sir *Iohn* terretenant, to the end ſeuerall writs of entrie might be brought againſt the ſaid Sir *Iohn* in the ſeuerall Counties of Cheſter and Stafford. And thereupon two ſeueral recoueries were had againſt the ſaid Sir *Iohn* in the ſaid ſeuerall Counties of Cheſter and Stafford, wherein *Edward* was vouched by the ſaid Sir *Iohn* to barre the remainders in taile limited to the ſiſters of *Edward*, and to raiſe the vſes according to the couenant contained in the ſaid firſt Indenture.

9. *Feb.* 1. *Iac.* That Sir *Iohn Egerton* bound Sir *Rowland Egerton* his ſonne and heire in a ſtatute of 5000 *lib.* to performe his will.

1. *Decemb.* 6. *Iacob.* That Sir *Iohn* vpon the mariage of Sir *Rowland* did conuey all his owne lands to the vſe of himſelfe for life, and after his deceaſe to remaine vnto Sir *Rowland Egerton* and the heires males of his body, by which conueyance the lands called VVrynehill and Heywoodbarnes in the Countie of Cheſter onely, are mentioned to be conueyed.

That Sir *Iohn* hauing aduanced in mariage all his daughters, and being indebted vnto *Edward* in the ſumme of 20000 *lib.* for the profits receiued out of *Edwards* lands for many yeares, did make his laſt will and teſtament in writing vnder his hand and ſeale.

26 *April.* 12. *Iacob.* That Sir *Iohn* by his ſaid will did giue all his Lordſhips, Mannours, lands, tenements and hereditaments in the Counties of Cheſter, Stafford and Flint vnto *Edward Egerton* and his heires: and did requeſt and appoint *Edward Egerton* to aſſure vnto *Peter Egerton* his yonger ſonne 200 *lib.* or 300 *lib.* by yeare for the terme of his life: and made *Edward Egerton* his ſole Executer, and died in the life time of the Ladie *Alice*.

That by the ſaid VVill all the eſtate of Sir *Iohn Egerton* in the lands of *Edward Egerton* (if Sir *Iohn* had euer any eſtate therein, as in truth he had not) was lawfully deuiſed to *Edward Egerton* and his heires.

That Sir *Rowland Egerton* vnduly obtained of Sir *Iohn Bennet* Knight, Letters of Adminiſtration to be granted vnto two of his ſiſters after the ſaid VVill exhibited to be proued. And Sir *Rowland* doth ſtill detaine the goods, albeit the VVill is now lawfully proued by many credible witneſſes.

That Sir *Rowland Egerton* hath gotten into his hands all the ſaid Indentures of vſes and writings, and diuers other euidences of the ſaid lands.

That Sir *Rowland Egerton* obtained a decree of the late Lord Elleſmere to enioy all the lands contained in the Indenture and writings made vpon his mariage.

And whereas Sir *Iohn Egerton* by the name of *Iohn Egerton*, by his deed dated 21. Ian. 36. *Eliz.* for valuable conſideration had enfeoffed *Edward Egerton* and his heires of certaine lands in Ruſhton in the Countie of Cheſter. The ſaid Lord Elleſmere did decree, that the ſaid feoffement of lands in Ruſhton and the ſtatute of 5000 *lib.* made for performance of the laſt will and teſtament of Sir *Iohn Egerton*, ſhould not be vſed, vrged or ſtood vpon againſt the ſaid Sir *Rowland Egerton*.

That by the ſaid decree *Edward Egerton* was taken out of the poſſeſſion, not only of the lands called VVrynehill and Heywoodbarnes lying in the Countie of Cheſter, but he was alſo taken out of the poſſeſſion of the lands called Wrynehill lying in the Countie of Stafford, and of his capitall dwelling houſe and lands in the Pariſh of Madeley in the Countie of Stafford, which were not conueyed by any of the ſaid conueyances made by *Edward* to Sir *Iohn*: nor was the ſame conueyed by Sir *Iohn* vpon the ſayde mariage.

That the ſaid Lord Elleſmere died before the ſaid VVill could be proued.

That after the death of the Lord Elleſmere, Sir *Rowland Egerton* knowing he had no right in law, nor equitie to any part of *Edward Egertons* lands, offered without ſuite of law (and before the VVill was prooued) to aſſure vnto *Edward Egerton* and his heires lands in VVales of the yearely value of 400 *lib.* in liew of the lands which he did detaine from *Edward* by colour of the ſaid Lord Elleſmeres decree.

That the now Lord Chancellour with great oathes and promiſes did draw *Edward Egerton* to ſeale to his Lordſhip an Obligation of 10000 Marks to ſtand to his Lordſhips award for the lands which were purchaſed by Sir *Iohn* with *Edwards* money, and whereof Sir *Iohn* died ſeized onely, but not for any lands which were of the ancient inheritance of *Edward Egerton*.

That without any office found after the death of Sir *Iohn Egerton* to proue of what lands he died ſeized, and to proue a tenure *in capite*, aud the true values of the lands, The Lord Chancellour did decree, that Sir *Iohn Egerton* died ſeized of all *Edward Egertons* lands, and that Sir *Iohn* did hold ſome lands of the King *in capite*.

That the ſaid Lord Chancellour did decree that Sir *Rowland Egerton* ſhould hold and enioy the lands which did come and remaine vnto him after his fathers death by the conueyance made vpon his mariage, and his Lordſhip did value the ſame to be of the yearely value of 500 *lib.* and no more.

That the ſaid Lord Chancellour did value the lands vnconueyed and mentioned, to be deuiſed by the ſaid VVill to *Edward Egerton* and his heires, to be of the yearely value of 525 *lib.* and no more. And his Lordſhip did decree that the ſaid Will is voyde for two parts, and that the ſaid two parts do deſcend to the ſaid Sir *Rowland* as ſonne and heire to his father, for his third part of all his fathers lands.

That the ſaid Lord Chancellour did decree that the ſaid feoffement of the Lands in Ruſhton, and the Statute of 5000 *lib.* made for performance of the ſaid Will, ſhould be brought into the Cancerie to be cancelled.

That by colour of the ſaid decree, grounded vpon an vntrue ſuppoſall of admittance, that Sir *Iohn Egerton* died ſeized of all *Edward Egertons* lands, and that a third part thereof did deſcend vnto Sir *Rowland Egerton* as heire to his father, (whereas in truth he did not die ſeized of any part thereof) *Edward Egerton* is before any triall of Law taken out of the poſſeſſion of the Mannour of Newbold Aſtbury, and diuers other lands in the Countie of Cheſter, and of a great part of the Mannour of Chedulton, and diuers other lands in the Countie of Stafford.

That the Lord Chancellor would not permit that the lands which were conueyed vpon the mariage to remaine after the death of Sir *Iohn* vnto Sir *Rowland Egerton* (being the ſonne and heire) ſhould be put in partition with the reſidue of the Lands vnconueyed as the ſame, ought to be done by the Lawes of the Realme, vnleſſe the ſaid Sir *Rowland* had truly bought the ſame for money.

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That the Lord Chancellor did decree that the ſaid bond of 10000 Marks, into which his Lordſhip drew *Edward Egerton*, ſhould be ſet ouer vnto Sir *Rowland Egerton*, and that the ſaid Sir *Rowland* ſhould haue free power to ſue the ſame in the Lord Chancellors name, and to recouer vpon the ſame to his owne vſe.

That *Edward Egerton* hauing nothing left but one part of the Mannour of Chedulton onely (being not a fift part of his owne ancient lands) is by the ſaid decree ordered to allow out of his ſaid part lands of inheritance of the yeerly value of 30 *lib.* vnto Sir *Rowland Egerton*, in regard of an Annuitie of 200 *lib.* by yeare, which *Edward Egerton* is by the ſaid Will requeſted to aſſure vnto *Peter Egerton* the yonger ſonne of Sir *Iohn Egerton*, out of the lands of Sir *Iohn Egerton*, which are now in the poſſeſſion of the ſaid Sir *Rowland*.

That after *Edward* was taken out of poſſeſſion, and was depriued of all his euidence, it was ordered that one triall onely ſhould be had at the Kings Bench barre by a Iury of the Countie of Stafford, for euicting Sir *Iohn Egertons* late eſtate and title, to all *Edward Egertons* lands, but not to queſtion the partition and diuiſion already made in Chancerie without euicting the ſaid title.

That at the Triall Sir *Rowland* produced the Indenture dated 2. Auguſt. 38. *Eliz.* and the writing dated 30. Iuly. 41. *Eliz.* and the fines and recoueries vpon which the decrees were made and grounded.

That all the Iudges did reſolue for law, that by the ſaid Indenture, writing, fines, and recoueries, no eſtate was granted vnto Sir *Iohn Egerton*, but as feoffe onely to the vſes contained in the ſaid Indenture.

And that the ſaid writing dated 30 Iuly. 41. *Eliz.* was made onely to make Sir *Iohn Egerton* terrtenant for ſuffering of the ſaid ſeuerall recoueries. And that the ſame did by the lawes of the Realme raiſe the vſe to *Edward*, with remainders ouer according to the couenant contained in the ſaid Indenture.

That thereupon Sir *Rowland* did relinquiſh his pretended title by the ſaid fines, recoueries, Indenture and writing, vpon which he had obtained the ſaid decrees and award.

That *Sir Rowland* did procure one *Iohn Brocke* his ſeruant to ſweare that he had ſeene another Indenture leading the vſe of a recouery ſuffered in 8. *Iacob.* of the Mannour of Chedulton onely to Sir *Iohn Egerton* and his heires, but the ſaid *Iohn Brock* did not proue the ſealing thereof.

That *Iohn Brock*, to adde countenance to his oath, produced a written paper-booke with greene leaues: That it did appeare vnto the Iurie that diuers of the ſaid greene written leaues were cut out, and white leaues were ſowed in their places, in which new white leaues the ſaid *Iohn Brock* had written with his owne hand a copie of a pretended Indenture without any names, and did expound the ſame to be a copie of an Indenture leading the vſe of the ſaid recouery for the Mannour of Chedulton onely.

That the ſaid pretended Indenture was neuer before that time heard of, nor mentioned in all the ſuites in Chancerie; neither was the ſame diſcouered by Sir *Rowland* vpon his oath, being examined vpon Interrogatories touching the euidences.

That *Edward Egerton* being ſo ſurpriſed, did giue in euidence the laſt will and teſtament of Sir *Iohn Egerton*, whereby the ſaid Mannour of Chedulton was deuiſed vnto *Edward Egerton* and his heires, if Sir *Iohn Egerton* had euer any eſtate therein, as in truth he had not.

That it was alledged by the counſell of Sir *Rowland*, that it was decreed that *Edward* ſhould not giue in euidence the will. And the award and decree of the Lord Chancellor was then produced and giuen in euidence as an Iniunction to barre *Edward* and his counſell, not to giue in euidence the ſaid will.

That the Iurie beleeuing the oath of the ſaid *Iohn Brock*, and refuſing to take notice of the ſaid will, did giue their verdit againſt *Edward Egerton*.

That *Edward Egerton* being bound and barred by the ſaid Decree from all further proceeding at the Law, is not onely vtterly diſinherited of his lands, but the benefit of the lawes and common iuſtice of the Realme, whereunto euery ſubiect is borne, is cleane taken away from him, without any cauſe of equitie.

Wherefore and for that the ſaid pretended conueyances if they were duly executed (as in truth they are not) yet they were made without any valuable conſideration, and obtained from *Edward* by circumuention, and were intended to be to *Edward* in taile vpon prouiſo of reuocation.

And for that Sir *Iohn* by his laſt will and teſtament deuiſed all his Lordſhips Mannours, lands, tenements, and hereditaments, vnto *Edward Egerton* and his heires, whereby in true meaning all the eſtate of the ſaid Sir *Iohn* in *Edward Egertons* lands (if Sir *Iohn* had euer any eſtate therein, as in truth he had not) was lawfully deuiſed vnto *Edward Egerton* and his heires.

And for that the ſaid Sir *Rowland* hath by indirect meanes gotten into his hands all the ſaid Indentures of vſes, writings, and euidences, and refuſeth to deliuer the ſame vnto *Edward Egerton*, or to deliuer vnto him true copies thereof, albeit that the ſaid *Edward* hath diuers orders made in Chancerie for hauing the ſame, by which meanes *Edward Egerton* is vtterly diſabled from any triall at law if he had leaue to proceed thereunto.

And for that the ſaid *Edward Egerton* ought in all right and equitie to be relieued, and not the ſaid Sir *Rowland*, who ſeeketh by indirect practiſes to defraud the ſaid *Edward* from all his ancient inheritance, without any money payed for the ſame.

May it pleaſe, &c. *that it may be enacted, that the ſaid decrees, and award, and all things therein contained, and the ſaid bond of* 10000 *Markes be and ſhall be voide: and that it may be lawfull to the ſaid* Edward Egerton *to enter into the ſaid lands taken away from him, and to haue, hold, and enioy them, &c.*

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Sabbat. 12. May 19. Iacob.

The Bill for reuerſing two ſeuerall decrees made in Chancerie, and to reſtore to *Edward Egerton* Eſquire the poſſeſſion of certaine Mannors and landes taken away from him by force of the ſaid decrees; Secondlie read and committed to

S. Thomas Roe.	M. Whitby.
S. Robert Askwith.	M. Brooke.
S. Edward Sackuile.	M. Finch.
S. William Strowde.	S. Thomas Wentworth.
M. Drake.	M. Hackwyll.
S. William Herbert.	S. Arthur Ingram.
S. Richard Grauener.	M. Alford.
S. Francis Barrington.	S. Iohn Brooke.
M. Charles Berckley.	M. Rolle.
S. Henry Withrington.	S. Henry Fane.
S. Thomas Hamond.	S. Thomas Barrington.
M. Delbridge.	M. Amhurſt.
S. Richard Yonge.	S. Iohn Crompton.

To meete on Fridaie next at two of the clocke in the afternoone in the Exchecquer chamber.

The Bill concerning the payment of an Anuitie to *Peter Egerton*, Secondly Read and committed to the former Comittes.